

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

STATE FARM MUTUAL
AUTOMOBILE INSURANCE
COMPANY,

Plaintiff,

v.

Case No.: 2:23-cv-342-SPC-KCD

JEFFREY LAMPILA and SIESTA
PEBBLE, INC.,

Defendants.

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OPINION AND ORDER

Before the Court is Plaintiff's Motion for Entry of Default Final Declaratory Judgment (Doc. 16) and United States Magistrate Judge Kyle C. Dudek's Report and Recommendation (Doc. 17). Judge Dudek recommends that Plaintiff's motion be granted and that the clerk should be directed to enter judgment declaring that Plaintiff is not obligated to defend or indemnify Defendant Siesta Pebble, Inc. (Doc. 17). No party objected, so the matter is ripe for review.

After conducting a careful and complete review of the findings and recommendations, a district judge "may accept, reject, or modify, in whole or in part," a magistrate judge's report and recommendation. 28 U.S.C. § 636(b)(1)(C). In the absence of specific objections, there is no requirement that

a district judge review the report and recommendation de novo. *See Garvey v. Vaughn*, 993 F.2d 776, 779 n.9 (11th Cir. 1993). Instead, when parties don't object, a district court need only correct plain error as demanded by the interests of justice. *See, e.g., Symonette v. V.A. Leasing Corp.*, 648 F. App'x 787, 790 (11th Cir. 2016); *Thomas v. Arn*, 474 U.S. 140, 150-52 (1985). Plain error exists if (1) "an error occurred"; (2) "the error was plain"; (3) "it affected substantial rights"; and (4) "not correcting the error would seriously affect the fairness of the judicial proceedings." *Farley v. Nationwide Mut. Ins.*, 197 F.3d 1322, 1329 (11th Cir. 1999).

After careful consideration and an independent review of the case, the Court finds no plain error. It accepts and adopts the Report and Recommendation in full.


Accordingly, it is now

ORDERED:

1. United States Magistrate Judge Kyle C. Dudek's Report and Recommendation (Doc. 17) is **ACCEPTED and ADOPTED** and the findings incorporated herein.
2. Plaintiff's Motion for Entry of Default Final Declaratory Judgment (Doc. 16) is **GRANTED**.
3. The Clerk is **DIRECTED** to enter judgment in favor of Plaintiff and against Defendants, declaring:

- a. Plaintiff State Farm Mutual Automobile Insurance Company is not obligated by Policy Number G87 1967-E15-59A to defend Siesta Pebble, Inc. against the action brought by Jeffrey Lampila in the Twentieth Judicial Circuit in and for Lee County, Florida, bearing Case No. 22-CA-003235.
- b. Plaintiff State Farm Mutual Automobile Insurance Company is not obligated by Policy Number G87 1967-E15-59A to indemnify Siesta Pebble, Inc. for any liability it may be held to have to Jeffrey Lampila arising from the lawsuit he filed in the Twentieth Judicial Circuit in and for Lee County, Florida, bearing Case No. 22-CA-003235.

DONE and **ORDERED** in Fort Myers, Florida on September 19, 2023.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record